

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D. BELL, Minor.

UNPUBLISHED
September 11, 2014

No. 320994
Berrien Circuit Court
Family Division
LC No. 2013-000143-NA

Before: SHAPIRO, P.J., and WHITBECK and STEPHENS, JJ.

PER CURIAM.

Respondent-mother, C. Motton, appeals as of right the trial court's order terminating her parental rights to her minor child under MCL 712A.19b(3)(g) (failure to provide proper care and custody) and (*l*) (previous termination of the parent's rights to another child). We affirm.

I. FACTS

A. BACKGROUND FACTS

Melissa Zimmerman, an adoption specialist with Bethany Christian Services, testified that she provided Motton with services in two other termination cases. Zimmerman worked with Motton from August 2010 to April 2011 and from December 2011 to February 2013. Zimmerman testified that Motton had "cognitive limitations" and did not complete or substantially improve in any of her services during those cases. Motton used marijuana during her pregnancy in 2011, and failed to meet any of her children's basic needs, such as feeding, changing, holding, and rocking the children.

B. THE PETITION

In December 2013, Motton gave birth to the child. According to Tyra Holton, a Children's Protective Services specialist, when the child was born, Motton did not have any of the supplies necessary to care for the child. Motton did not have food, diapers, and other necessities, and only had a car seat. Holton testified that the court had terminated Motton's parental rights to two of her previous children. The Department of Human Services petitioned the trial court to take jurisdiction over the child and terminate Motton's parental rights.

Melanie Woods, a foster care worker with Bethany Christian Services, testified that she attempted to provide Motton services in connection with this case. According to Woods, she referred Motton to individual therapy, but Motton told Woods that she had not participated in

therapy. Woods also referred Motton to Riverwood, a program that would provide services to help with Motton's developmental disabilities, but Motton did not take advantage of Riverwood.

Motton could not participate in drug screens because she did not have a state-issued identification card. Woods gave Motton the information that she needed to obtain a state identification card and explained the process to her three or four times, but Motton did not obtain the card.

Woods testified that Motton was also unemployed, did not receive disability benefits, and that she was unable to provide Motton with a plan to provide for the child. Woods testified that Motton lived with the child's father. Woods would be unable to place the child with Motton and the child's father because the child's father was a registered sex offender with an extensive criminal history. Woods testified that she explained this to Motton, but Motton continued her relationship with the child's father.

Woods testified that Motton regularly attended her parenting times with the child and participated in parenting classes. Woods did not see any improvement in Motton's parenting. According to Woods, Motton did not know when to burp the child, which is a basic skill necessary to care for the child, and Motton would attempt to put the child to sleep instead of attempting to play with the child.

C. THE TRIAL COURT'S DECISION

A juvenile court magistrate determined that a preponderance of the evidence supported taking jurisdiction over the minor child, that clear and convincing evidence supported terminating Motton's parental rights under MCL 712A.19b(3)(g) and (l), and that it was in the child's best interests to terminate Motton's parental rights. The magistrate found that Motton failed to demonstrate progress on parenting skills, emotional stability, domestic relationships, substance abuse, unemployment, and intellectual capacity, in this case and in her previous cases. The magistrate found that Motton's circumstances had not changed since the previous terminations of Motton's parental rights.

The magistrate found that the Department offered Motton services in this case and her previous cases. However, Motton had not benefitted from or participated in services and continued to use marijuana. The magistrate found that Motton's parenting had not improved despite her participation in parenting classes. The magistrate also found that Motton did not give priority to her child. The trial court adopted the magistrate's findings and conclusions.

II. STATUTORY GROUNDS FOR TERMINATION

A. STANDARD OF REVIEW

This Court reviews for clear error the trial court's findings and ultimate determinations on the statutory grounds for termination.¹ A finding is clearly erroneous if, after reviewing the entire record, we are definitely and firmly convinced that the trial court made a mistake.²

B. LEGAL STANDARDS

MCL 712A.19b(3)(g) provides that the trial court may terminate a parent's rights if

[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

A parent's failure to participate in and benefit from a service plan is evidence that the parent will not be able to provide a child with proper care and custody.³

MCL 712A.19b(3)(l) provides that the trial court may terminate a parent's rights if

[t]he parent's rights to another child were terminated as a result of proceedings under . . . this chapter

C. APPLYING THE STANDARDS

Motton contends that the trial court erred when it found that statutory grounds supported terminating her parental rights. We disagree.

The trial court need only find a single statutory ground to terminate a parent's parental rights.⁴ Here, it is undisputed that the trial court involuntarily terminated Motton's rights to two of her previous children. Accordingly, MCL 712A.19b(3)(l) supported terminating Motton's parental rights. Because the trial court need only find one statutory ground, it did not improperly terminate Motton's parental rights.

We also conclude that the record also supported terminating Motton's parental rights under MCL 712A.19b(3)(g). We disagree with Motton's contentions that the Department did not provide her with services in this case and that the trial court did not have evidence from which to find that Motton was not reasonably likely to provide her child with proper care and custody in the future.

¹ MCR 3.977(K); *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

² *Mason*, 486 Mich at 152; *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

³ *JK*, 468 Mich at 214.

⁴ *In re Olive/Metts Minors*, 297 Mich App 35, 41; 823 NW2d 144 (2012).

Even a disabled parent must demonstrate that he or she can meet his or her children's basic needs, once those children come into the trial court's jurisdiction.⁵ "Evidence of how a parent treats one child is evidence of how he or she may treat the other children."⁶

Here, the Department provided Motton with extensive services in parental rights proceedings involving two of Motton's other children. Zimmerman testified she began working with Motton in 2010. Motton refused to participate in, and was unable to benefit from, the vast majority of the services that Zimmerman provided. Woods testified that she attempted to get Motton to participate in services but Motton's participation was limited. Even though Motton participated in parenting classes, she did not demonstrate that she had learned anything from those classes during parenting times and was unable to provide the child with basic parental care.

We conclude that the trial court had more than sufficient evidence from which to conclude that there was no reasonable expectation that Motton would be able to provide the child with proper care and custody within a reasonable time. Accordingly, MCL 712A.19b(3)(g) also supported terminating Motton's parental rights.

III. THE CHILD'S BEST INTERESTS

We note that Motton very briefly contends that the termination of her parental rights was not in the child's best interests. This contention is contained in a single sentence, and Motton provides no law or analysis on the issue. We conclude that Motton has abandoned this issue by failing to support it.⁷

IV. CONCLUSION

We conclude that the trial court did not err when it found that MCL 712A.19b(3)(g) and (I) supported terminating Motton's parental rights to the minor child. Motton had an extensive history with the Department, which resulted in the trial court terminating Motton's rights to two other children. Motton did not demonstrate that she would respond to services and improve in this case.

We affirm.

/s/ Douglas B. Shapiro
/s/ William C. Whitbeck
/s/ Cynthia Diane Stephens

⁵ *In re Terry*, 240 Mich App 14, 28; 610 NW2d 563 (2000).

⁶ *In re Hudson*, 294 Mich App 261, 266; 817 NW2d 115 (2011).

⁷ See *VanderWerp v Plainfield Charter Twp*, 278 Mich App 624, 633; 752 NW2d 479 (2008) (A party may not "leave it to this Court to discovery and rationalize a basis for their claims.")